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ABSTRACT

This document addresses the questions of what teachers have achieved during the U. S. Constitution Bicentennial celebration in the areas of curriculum development and instruction and whether or not the celebration has been accompanied by educational renewal and improvement in secondary schools. Persistent problems in teaching and learning about U.S. constitutional history include confused curriculum priorities, inadequate treatment in some textbooks, and serious deficiencies in students' knowledge. Promising teaching practices and methods include the development of new resources, such as: (1) educational television programs; (2) history lessons that might supplement shallow and bland textbooks; (3) study units on specific historical periods or themes; and (4) classroom forums for detailed study of historical issues. Recommendations, useful in sustaining the Bicentennial's achievements, include the need to: (1) assign high priority to goals and content selection criteria concerning the historical role of the U.S. Constitution; (2) expand coverage of the U.S. Constitution in standard secondary school textbooks; (3) provide students with opportunities for in-depth studies of major events, issues, and themes; (4) use lessons that require interpretation, analysis, and synthesis of primary sources; (5) emphasize ideas in constitutional history; (6) stress the paradoxes of U.S. constitutional government; (7) connect the U.S. Constitution to contemporary citizenship concerns; and (8) use comparative and global perspectives. (JHP)

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TEACHING AND LEARNING ABOUT THE CONSTITUTION IN SECONDARY SCHOOL COURSES ON AMERICAN HISTORY: PERSISTENT PROBLEMS AND PROMISING PRACTICES

by

John J. Patrick

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The end of 1987, the bicentennial year of the United States Constitution, is a suitable occasion to assess the status of teaching and learning about constitutional history in secondary schools. During the 1980s, the Constitution has been an object of celebration and cerebration, including deliberations about curriculum development and teaching. What has been achieved by educators? Has the bicentennial hoopla been accompanied by educational renewal and improvement? Is there likely to be a bicentennial legacy of useful educational resources for secondary school American history teachers? Or will we look back on the renewal of interest in constitutional history during the 1980s as merely another curriculum fad?

At the very least, the bicentennial period has heightened awareness of persistent problems and aroused hope in promising practices about the teaching and learning of constitutional

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history in secondary schools. What are these persistent problems and promising practices?

Persistent Problems

Let's begin with persistent problems in teaching and learning about constitutional history. However, a casual look at the secondary school curriculum might suggest that there is little or nothing wrong with education on the Constitution. Forty-three states mandate instruction about the Constitution in secondary schools, and it is part of required courses in American history and government in virtually all school districts in the United States. Furthermore, curriculum guides of state-level departments of education and local school districts include ample lists of objectives and topics on constitutional history. There is no doubt that the Constitution has a secure place in the secondary school curriculum.[1]

So, what are the problems? Well, they have to do with confused curriculum priorities, inadequate treatments in widely-used textbooks, and serious deficiencies in students' knowledge. Although the following examples of these problems are drawn from current sources, they are deeply rooted in our educational history. The persistence of these problems is documented by Michael Kammen in A Machine That Would Go Of Itself: The Constitution in American Culture.[2]

Curriculum Priorities. Although the Constitution has a secure place in the secondary school curriculum, it often is not a high-level priority in lesson plans and classroom activities. The Constitution in American history competes for classroom time and attention with a broad range of topics, from ethnic studies and women's history to global perspectives and environmental issues. Given a cluttered educational agenda and confusion about priorities, constitutional history often is obscured or overwhelmed by other themes. In many school districts, teaching and learning about the constitution has often been viewed as less important than many competing topics and goals of secondary school American history.[3]

Textbook Treatments. Ambiguity about content priorities and routine treatments of constitutional history in curriculum guides are reflected in standard American history textbooks, because publishers and authors tend to take their cues about selection and coverage of content from criteria and goals developed by and for their customers (school administrators and teachers who follow official curriculum guides in selecting textbooks). Studies of standard secondary school American history textbooks have revealed sparse and shallow coverage of constitutional principles and issues. Less than twelve percent of the content of a typical textbook is given to constitutional history, and important events rarely are discussed in detail. Teachers and students who rely on these

textbooks certainly will be underexposed to important ideas and events in American political history that have shaped our contemporary civic culture.[4]

Textbook treatments of constitutional history also tend to be fragmented. Events are presented discretely, with little emphasis on development of basic themes such as the changing meaning of federalism or the growth of popular participation and representation in government through amendments and Supreme Court interpretations of the Constitution.[5]

Some important events in constitutional history are either omitted or barely mentioned. Most textbooks, for example, sketchily deal with many landmark decisions of the Supreme Court. For example, here are five major Supreme Court decisions (among others) that tend to be left out of the texts: Charles River Bridge v. Warren Bridge (1837), Ex parte Milligan (1866), Muller v. Oregon (1908), Near v. Minnesota (1931), Roe v. Wade (1973).[6]

A final problem is blandness. Controversy and drama associated with critical constitutional issues are missing from the textbooks. Thus, an inherently interesting subject is converted into dull descriptions that neither kindle interest nor develop knowledge among students.[7]

Assessments of Knowledge. Assessments of knowledge about the Constitution indicate the negative consequences of inadequate treatments of this subject in curriculum guides and textbooks. Various studies during the past thirty years reveal that Americans tend to lack knowledge of fundamental ideas, issues, and events in American constitutional history, which are prerequisites to understanding their contemporary constitutional government.[8]

A 1987 nation-wide survey of adults found that more than half of the respondents lacked basic knowledge about core ideas of the Constitution, such as separation of powers, checks and balances, federalism, and the Bill of Rights. For example, about half of the respondents believed that the President can suspend the Constitution in event of war or national emergency. Sixty percent said that the President, acting alone, can appoint a member of the Supreme Court. Fifty-seven percent thought that local schools can require children to pledge allegiance to the flag. Nearly half revealed ignorance of both Marxism and American government when they said that the following statement is part of the Constitution: "From each according to his abilities, to each according to his needs."[9]

A recent study by the National Assessment of Educational Progress (NAEP) exposes the ignorance of 17-year-olds about

American constitutional history. This study, conducted in the spring of 1986, involved administration of 141 multiple choice test items on American and world history to a representative national sample of 7,812 17-year-olds; nineteen of these items tested knowledge of constitutional history. The average score on the entire test was 55%, and the average score on the subset of items on the Constitution was 54.5%--a generally failing performance. In particular, only 40% of these students know why the Federalist Papers were written; only 44% know that the Constitution divides power between state governments and a national government; only 36% know main weaknesses of the Articles of Confederation, and only 60% can place the Constitutional Convention in the correct half-century (1750-1800).[10]

The authors of a book based on the 1986 NAEP study of knowledge about history conclude that "The system by which we govern ourselves in comprehensible only if its history is understood. . . . Moreover, many of the most profound issues of contemporary society--having to do with civil liberties, equality of opportunity, the tensions between freedom and order, and the relationships between majority rule and minority rights--have their origins and their defining events in the evolving drama of the Constitution. Yet, our youngsters do not know enough about that drama to reflect on or think critically about it."[11]

Large-scale ignorance of constitutional history and principles of constitutional government can be linked to pervasive use in secondary schools of deficient curriculum guides and textbooks. What has been done recently to remedy these persistent problems in teaching and learning about constitutional history in secondary schools?

Promising Practices

This bicentennial period has been the occasion for development of resources to renew and improve teaching and learning about constitutional history and government in secondary schools. These materials have been designed for use in concert with or in place of standard American history textbooks. The ERIC Clearinghouse for Social Studies/Social Science Education at Indiana University has produced a "Resource Packet"--Teaching About the U.S. Constitution--that lists and describes a great number of the best inexpensive publications and multi-media products that have been produced by non-profit education agencies or research and development centers.[12]

I have selected a few representative programs from the ERIC "Resource Packet" to exemplify four types of promising practices in the teaching and learning of constitutional history in secondary schools: (1) educational TV used to initiate fruitful study of topics in history, (2) history

lessons used to supplement shallow and bland textbook content, (3) units of study on periods or themes in history used in place of textbook content, and (4) classroom forums for deliberation and detailed study of issues in history.

The programs selected here to exemplify these four promising practices in teaching about the Constitution have been developed collaboratively by scholars in history, secondary school history teachers, and experienced curriculum developers at nationally-known research and development centers. Testimony from many teachers and curriculum specialists suggests that these materials have promise as means for renewal and improvement of education on the constitution in secondary schools. No claims are made here that these programs and practices are better than all others of their kind. Rather, the following programs are offered as representative examples of promising practices developed during the bicentennial period, which are presented here because of my familiarity with them.

(1) Educational Television Programs. Television watching by young people is more often damned than praised by educators, which is testimony to the dearth of high-quality programing of undisputed educational value. However, video programs designed to complement the standard school curriculum can arouse curiosity and focus attention of students on

important events, ideas, and issues, so as to set the scene for fruitful historical inquiry. After viewing and discussing an excellent context-setting video program, students are usually more ready and willing to engage in systematic study of important ideas and events in history, such as issues about federalism, separation of powers, and civil liberties.

In line with the preceding assumptions about the educational potential of classroom video programs, Project '87 collaborated with the Agency for Instructional Technology to produce six thirty-minute video programs on principles and issues in American constitutional history. Using a combination of dramatic and documentary formats, each program in this series explores a basic principle of the Constitution, such as federalism or equal protection of the laws. Historical perspective, perennial issues, and applications of the Constitution to contemporary society are emphasized. The programs also pose questions to stimulate discussion, deliberation, and sustained study of constitutional principles and issues. Bill Moyers of Public Affairs Television, Inc. of New York is the narrator and on-camera teacher in this series. Titles of the six programs, designed especially for secondary school classroom use, are: Limited Government and the Rule of Law, Federalism, Separation of Powers with Checks and Balances, Freedom of Expression, Equal Protection of the Laws, and the Constitution and the Economy.[13]

(2) Lessons to Supplement Textbooks. One way to compensate for shallow and bland textbook content is to develop lessons to enrich and expand upon significant topics in a course of study, such as American history. Thus, students may have opportunities for in-depth study of landmark Supreme Court decisions, political activities surrounding amendments to the Constitution, presidential decisions that shaped the Constitution, and perennial issues in constitutional history.

Project '87 in association with the Social Studies Development Center at Indiana University developed Lessons on the Constitution to supplement standard textbook treatments of constitutional history and government. This book of teaching resources includes 60 lessons on various aspects of the U.S. Constitution in history and contemporary government, many more lessons than any teacher will use during a one-year course. Thus, this collection of lessons addresses various teaching and learning needs by providing a wide-range of choices in content, teaching strategies, and levels of complexity. Examples of types of lessons and teaching strategies in the Project '87 resource book are judicial case studies, in-depth treatments of constitutional principles, judicial decision-making simulations, in-depth treatments of constitutional issues, and exercises in the interpretation of primary sources.[14]

Lessons on the Constitution has been used as a model in development of two other bicentennial books of resources for teachers: Lessons on the Federalist Papers and Lessons on the Northwest Ordinance of 1787. Both of these books feature lesson plans for teachers and accompanying learning materials for students that provide opportunities for in-depth study of ideas, issues, and events in American constitutional history. Both books also treat important subjects that are typically neglected in secondary school American history courses.

Lessons on the Federalist Papers includes ten lessons about core ideas on constitutional government that were addressed by "Publius" during the ratification debates on the Constitution of 1787. Students are challenged to interpret and reflect upon key passages from The Federalist, Numbers 1, 4, 9, 10, 23, 39, 41, 47, 48, 51, 53, 70, 78, 80, 81, and 84. Students also are presented with context-setting lessons about the 1787-1788 arguments about the Constitution and the origin, authorship, and publication of The Federalist.[15]

Lessons on the Northwest Ordinance of 1787 also deals with the development of constitutional government in the United States by addressing the expansion of the federal union under the Constitution. This resource book for teachers includes nine lessons about the origins, development, and applications to state-making of the Ordinance of 1787.

Learning activities are based on primary sources, such as the Ordinance of 1784, the Ordinance of 1785, the Ordinance of 1787, the Harrison Land Act of 1800 and so forth.[16]

(3) Separate Units of Study. Separate study units on a major period or theme in American history can be used in place of textbook content. Thus, students may be provided with opportunities for in-depth study that lasts anywhere from several days to several weeks. The Center for Civic Education has produced units of study on core ideas of the Constitution of 1787 and the Bill of Rights, which might be used in place of a textbook unit on the Constitutional Convention and the ratification debates. One set of materials has been developed for junior high school students and another one for senior high school students.[17]

The National Archives and Records Administration has also produced a study unit on the Founding Period, which includes two parts. The first part, The Making of the Constitution, includes ten exercises based on documents such as the Declaration of Independence, Northwest Ordinance, George Washington's draft copy of the Constitution, and a working draft of the Bill of Rights. Part two, The Beginnings of Government, has eight exercises involving interpretation and analysis of documents about the organization and operation of government in 1789-1791. Another learning package treats a

major theme in American constitutional history, issues about the establishment and free exercise of religion.[18]

(4) Classroom Forums on Issues in History. Classroom discourse and debate on constitutional issues can be an effective means to active learning--the challenge of applying information and ideas covered in preceding lessons to a new problem. Active learning through a classroom forum on a constitutional issue is an enlightening and dynamic way to conclude a unit of study based on textbooks and other learning materials. Students can be challenged to apply what they have learned about the constitution in history or current events to classroom discourse on a constitutional issue.

The Jefferson Meeting in the Classroom is designed to involve students in discourse about constitutional issues having to do with the use of a special convention to amend the Constitution (as provided by Article V), the presidential election process, judicial accountability, terms of office in the executive and legislative branches, the veto as part of the system of checks and balances, and citizen participation in government. Special booklets have been prepared to provide background information on these constitutional issues from the earliest days of the republic until the present. A teacher's guide provides an easy-to-use and workable structure for organizing and conducting the classroom forums.[19]

Concluding Recommendations

During this bicentennial period, we Americans have reaffirmed our commitment to teaching and learning about the U.S. Constitution as an essential element of education for citizenship. We also have recognized some persistent problems: confused curriculum priorities, inadequate treatments in standard textbooks, and serious deficiences in students' knowledge. In response to these problems of teaching and learning, several programs have produced educational materials that offer the promise of significant improvement in teaching practices and student learning.

How can we sustain the educational achievements of this bicentennial period during the years ahead? The following recommendations are offered to spark ongoing reflection and discourse about continued improvement of teaching and learning on the Constitution in secondary school American history courses.

(1) Assign high priority in curriculum guides to goals and content selection criteria on the constitution in American history.

(2) Expand coverage of the Constitution in standard secondary school history textbooks.

(3) Enrich and expand upon textbook coverage of the Constitution in American history by providing students with opportunities for in-depth studies of major events, issues, and themes in constitutional history.

(4) Use lessons that require interpretation, analysis, and synthesis of primary sources in constitutional history.

(5) Emphasize ideas in constitutional history--the meaning and development of basic principles and values of the Constitution and alternative positions on perennial constitutional issues.

(6) Emphasize enduring paradoxes of American constitutional government, such as majority rule with minority rights and powerful government with strict limits to protect individual rights.

(7) Make connections between the Constitution and contemporary concerns of citizenship.

(8) Finally, use comparative and global perspectives to help students understand the origins of the Constitution in Western civilization, its world-wide influence, and its relative value in the 1780s and thereafter as a symbol and practical instrument of free government.

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